

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL NO. 1:03CV111
(1:99CR75-2)**

WAYNELY BROWN,)	
)	
Petitioner,)	
)	
Vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER is before the Court on the Petitioner's motion for clarification of the Court's Order of March 3, 2006, denying his motion pursuant to Federal Rule of Civil Procedure 60(b) for relief from Judgment and his motion pursuant to Rule 15(c)(2) to allow supplementation or "relation back" to his initial motion pursuant to § 2255. The motion is denied.

The Court has reviewed the motion for clarification and finds it to be frivolous and totally without merit.

Prisoners do not have an absolute and unconditional right of access to the courts in order to prosecute frivolous, malicious, abusive or

vexatious motions. ***Demos v. Keating***, 33 Fed. Appx. 918 (10th Cir. 2002); ***Tinker v. Hanks***, 255 F.3d 444, 445 (7th Cir. 2001); ***In re Vincent***, 105 F.3d 943 (4th Cir. 1997). The Petitioner is hereby warned that future frivolous filings will result in the imposition of a pre-filing review system. ***Vestal v. Clinton***, 106 F.3d 553 (4th Cir. 1997). If such a system is placed in effect, pleadings presented to the Court which are not made in good faith and which do not contain substance, will be summarily dismissed as frivolous. ***Foley v. Fix***, 106 F.3d 556 (4th Cir. 1997); ***In re Head***, 19 F.3d 1429 (table), 1994 WL 118464 (4th Cir. 1994). Thereafter, if such writings persist, the pre-filing system may be modified to include an injunction from filings. See, 28 U.S.C. § 1651(a); ***In re Martin-Trigona***, 737 F.2d 1254 (2d Cir. 1984).

IT IS, THEREFORE, ORDERED that the Petitioner's motion for clarification is **DENIED**.

Signed: March 21, 2006



Lacy H. Thornburg
United States District Judge

